

## SENATE BILL No. 267

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-35-1-3.5; IC 35-38-1-2.7.

**Synopsis:** Court determination of treatments for defendants. Provides that before accepting a guilty plea or sentencing a person for a felony or misdemeanor, a court may conduct a hearing to obtain the opinion of a mental health professional concerning: (1) whether the person has a mental illness, an addictive disorder, or a developmental disability; and (2) the appropriate treatment for the person.

**Effective:** July 1, 2006.

**Miller**

January 9, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 267

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-35-1-3.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2006]: **Sec. 3.5. (a) The following definitions apply throughout**  
4 **this section:**

5           (1) "Addictive disorder" has the meaning set forth in  
6 IC 11-12-3.7-1.

7           (2) "Developmental disability" has the meaning set forth in  
8 IC 4-23-29-4.

9           (3) "Mental health professional" means an individual who is  
10 certified or licensed as a mental health professional.

11           (4) "Mental illness" has the meaning set forth in  
12 IC 11-12-3.7-5.

13       (b) Before accepting a guilty plea from a person, the court may  
14 conduct a hearing to obtain the opinion of a mental health  
15 professional concerning:

16           (1) whether the person has a mental illness, an addictive  
17 disorder, or a developmental disability; and



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1           **(2) the appropriate treatment or rehabilitative therapy for the**  
2           **person.**

3           SECTION 2. IC 35-38-1-2.7 IS ADDED TO THE INDIANA CODE  
4           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5           1, 2006]: **Sec. 2.7. (a) The following definitions apply throughout**  
6           **this section:**

7           **(1) "Addictive disorder" has the meaning set forth in**  
8           **IC 11-12-3.7-1.**

9           **(2) "Developmental disability" has the meaning set forth in**  
10           **IC 4-23-29-4.**

11           **(3) "Mental health professional" means an individual who is**  
12           **certified or licensed as a mental health professional.**

13           **(4) "Mental illness" has the meaning set forth in**  
14           **IC 11-12-3.7-5.**

15           **(b) Before sentencing a person for a felony or misdemeanor, the**  
16           **court may conduct a hearing to obtain the opinion of a mental**  
17           **health professional concerning:**

18           **(1) whether the person has a mental illness, an addictive**  
19           **disorder, or a developmental disability; and**

20           **(2) the appropriate treatment or rehabilitative therapy for the**  
21           **person.**

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